

REMARKS

Applicant respectfully requests consideration of the subject application.

Office Action Rejections Summary

Claims 1-3, 17-20, 22-24, and 28-30 have been rejected under 35 U.S.C. §102(e) as being anticipated by **Abe**, U.S. Patent 6,714,216, (hereinafter "Abe").

Claims 4, 25, and 31 have been rejected under 35 U.S.C. §103(a) as being unpatentable over **Abe** in view of **Chao**, U.S. Patent 5,732,184 (hereinafter "Chao").

Claims 5-6, 21, 26, and 32-33 have been rejected under 35 U.S.C. §103(a) as being unpatentable over **Abe** in view of **Gamon**, U.S. Patent 6,345,318 (hereinafter "Gamon").

Claims 7, 27, and 34 have been rejected under 35 U.S.C. §103(a) as being unpatentable over **Abe**.

Claims 8, 11, 13, and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over **Abe** in view of **Sacilotto, Jr. et al.** (hereinafter "Sacilotto").

Claims 9, 10, and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over **Abe** in view of **Sacilotto**, as applied to claim 8, further in view of **Gamon**.

Claim 12 has been rejected under 35 U.S.C. §103(a) as being unpatentable over **Abe** in view of **Sacilotto** as applied to claim 11, further in view of **Gamon**.

Claim 14 has been rejected under 35 U.S.C. §103(a) as being unpatentable over **Abe** in view of **Sacilotto** as applied to claim 13, further in view of **Chao**.

Status of Claims

Claims 1 – 34 remain pending in the application. Claim 8 has been amended. The amended claim is supported by the specification and no new matter has been added. No claims have been added or cancelled.

Claim Rejections – 35 U.S.C. § 102

Claims 1-3, 17-20, 22-24, and 28-30 have been rejected under 35 U.S.C. 102(e) as being anticipated by Abe.

Abe teaches a video editing apparatus for editing a video sequence or video clip. This video editing apparatus includes a video browser for browsing the video frames of a video sequence and a graphical user interface which allows editing points such as an editing start point and editing end point set for the video sequence (Col. 2, lines 41-48). Video and audio information is first digitized and stored. The apparatus then successively samples vertical lines of video frames of the video sequence to produce vertical slits to represent individual video frames in a horizontal direction as a means to display the video on the browser for editing purposes. Upon making a copy of the original video and audio information, the user selects from the copied information to retain and remove using a "mark-in" and "mark-out" feature, and subsequently removing the selected information from the copied information, resulting in an edited version of the original information.

Nothing in Abe discloses that the selected clip discarded from the copied information is entirely removed from the record. In other words, the information that is discarded or deleted, within the meaning of the Abe reference, is to "hide" or "remove" the information from the original, resulting in an edited copy of the information that displays the video and audio information without the discarded segments. The original discarded

segments are still contained within the edited copy of the information, only hidden in storage.

In contrast, Applicant's invention contains the limitation of "deleting the portion from the storage", with emphasis to permanently delete the segment of information that is selected to be discarded and remove it not only from the record of the edited video and audio clip but from the storage. Rather than leaving the discarded segment hidden in the edited copy, the discarded segment is cut out and removed from the file and storage, thus resulting in a smaller file than the original.

Independent claims 1, 17, 22, and 28 include the limitation of "deleting the portion from the storage". Claims 2-3, 18-20, 23-24, and 29-30 either directly or indirectly depend on independent claims 1, 17, 22 and 28 and thus includes the emphasized limitation. As such, the Applicant submits that claims 1-3, 17-20, 22-24, and 28-30 are not anticipated by **Abe** under 35 U.S.C. §102(e) and respectfully request the withdrawal of the rejection of claims.

Claim Rejections – 35 U.S.C. § 103

Claims 4, 25, and 31 have been rejected under 35 U.S.C. §103(a) as being unpatentable over **Abe** in view of **Chao et al.**

As described above, nothing in **Abe** discloses the limitation of "deleting the portion from the storage". **Chao** teaches a video editing apparatus that allows the selection of a first video segment from a larger original video sequence and then further allow editing of a second video segment selected from the first video segment which came from the original video sequence. Nothing in **Chao** teaches the limitation where the edited segment is deleted from the storage. As such, **Chao** fails to cure the deficiency in **Abe**.

Applicant submits that there is no motivation to combine **Abe** and **Chao**. **Abe** and **Chao** teach different aspects of video editing. Although **Chao** has an additional capability of further editing an edited segment from an original video sequence, both **Abe** and **Chao** lack the requisite feature of deleting the portions of the edited out segments from the storage space during video clip editing operations as disclosed in applicant's invention. Since neither contains this space management feature and neither **Abe** nor **Chao** has the objective of managing disk space during video editing operation like applicant's invention, applicant respectfully submits that there is no motivation to combine **Abe** and **Chao**.

It is respectfully submitted that a combination of **Abe** and **Chao** would be inappropriate when neither contains the emphasized limitation. Claims 4, 25, and 31 either directly or indirectly depend on independent claims 1, 22, and 28 and thus include the emphasized limitation "deleting the portion from the storage". Therefore, applicant respectfully submits that a 35 U.S.C. §103(a) rejection of claims 4, 25, and 31 is inappropriate and requests the withdrawal of the rejection of the claims.

Claims 5-6, 21, 26 and 32-33 have been rejected under 35 U.S.C. §103(a) as being unpatentable over **Abe** in view of **Gamon**.

As described above, nothing in **Abe** discloses the limitation of "deleting the portion from the storage". **Gamon** teaches a method and system that intercepts confirmation messages resulting from software operations that automatically responds to those operations and determines whether to send deleted data to the recycle bin based on an indicator based on a pre-determined category list (Abstract). Nothing in **Gamon** teaches or discloses art that is related to video editing. The scope and content of **Gamon** is about computer system operation but not video editing, thus fails to cure the deficiency in **Abe**.

Applicant submits that there is no motivation to combine **Abe** and **Gamon**. **Abe** and **Gamon** teaches art that are unrelated to each other, the former teaches video editing while the latter teaches a system that automatically responds to confirmation messages from system operations. **Abe** discloses methods of video editing, but failed to emphasize that the selected segments of a video clip that is to be removed from the original version is to be permanently deleted from the storage system. **Gamon** teaches a system that intercepts confirmation messages resulting from system operations, presenting only those that are on a pre-determined category list while sending the rest to the recycle bin such that the user does not have to deal with them. **Gamon**'s messages would not normally be stored in many systems. Applicant's invention is based on the premise of maximizing the disk space during the video editing process and thus all the discarded clips from the edited video sequence are deleted permanently, but not simply only removed and hidden away from the edited clip while still stored in the system memory.

Applicant submits that it is not obvious to combine **Abe** and **Gamon** because **Abe** intends to retain the edited video segments perhaps for "restoring" the edits that were made to the edited sequence, while **Gamon** intends to simplify the responding process and routinely sends the unwanted messages to the trash depository to avoid any distraction to the user. **Gamon** does not consider in advance the need to "restore" the deleted messages because those confirmation messages that are sent to the trash depository are based on a category list pre-selected by the user.

In contrast, an advantage of Applicant's invention is the maximizing of disk space and thus any unwanted video segments edited from an original sequence are permanently deleted and removed. The final edited product cannot be restored to the original once the trash depository is emptied, thus there needs to be a final approval by

the user to affirmatively execute a deletion command before permanently deleting the content of the trash depository.

It is respectfully submitted that **Abe** and **Gamon** do not teach or suggest a combination with each other. It would be impermissible hindsight based on applicant's own disclosure to combine **Abe** and **Gamon**. Claims 5-6, 21, 26, and 32-33 either directly or indirectly depends on independent claims 1, 17, 22, and 28 and therefore includes the emphasized limitation "deleting the portion from the storage" contained in the mentioned independent claims that is deficient in **Abe**. As such, applicant respectfully submits that the rejection of claims 5-6, 21, 26, and 32-33 is inappropriate under 35 U.S.C. 103(a) and requests the withdrawal of the rejection of the claims.

Claims 7, 27, and 34 have been rejected under 35 U.S.C. 103(a) as being unpatentable over **Abe**. As described above, nothing in **Abe** discloses the limitation of "deleting the portion from the storage". As discussed above, **Abe** discloses a method of editing a video clip and removing the discarded segment such that it is hidden in the final edited version but no where does it states that the hidden segment discarded is permanently deleted from the storage database. Applicant's invention includes the limitation where a portion of the unwanted original clip sequence can be permanently deleted from the storage space, resulting in a smaller file for the edited segment as compared to the original thus maximizing disk space. Applicant submits that it is not obvious to one of ordinary skill in the art in view of **Abe** to maintain a trash depository of reusable storage space that also permits permanent deletion of a discarded video segment. In fact, **Abe** teaches exactly the opposite for it does not disclose any permanent deletion of the discarded segments from storage. The reason it is not obvious is that users may often want to make more edits to the edited video. If the segments are edited out and removed permanently to maximize disk space, a user will either have to

start the edit again from another unedited copy of the original sequence (if they made such a copy) or do without the segment. Therefore, from the standpoint of the user, a temporary storage space is not an obvious feature based on **Abe's** disclosure for the discarded data is retained for future modification so there is no need for any reusable temporary storage. Claims 7, 27, and 34 either directly or indirectly depends on the independent claims 1, 22, and 28 and therefore includes the emphasized limitation "deleting the portion from the storage". As such, applicant respectfully submits that the rejection of the claims is in appropriate under 35 U.S.C. 103(a) and requests the withdrawal of the rejection of the claims.

Claims 8, 11, 13, and 16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over **Abe** in view of **Sacilotto**. As described above, **Abe** fails to include the emphasized limitation of "deleting the portion from the database". **Sacilotto** discloses a method and system to increase the system bandwidth and available playback memory by avoiding duplicate storage and transfer of multimedia data in a playback device (Abstract). **Sacilotto** also discloses a reference count system that controls how a multimedia composition is deleted from the server when it is decided that the multimedia composition is no longer used. Specifically **Sacilotto** teaches that a reference count is used to keep track of each clip for the purpose of deleting the multimedia data from the playback devices (Col. 8, lines 39-42). As the reference count indicates if data is being used or not, the server does not automatically delete a clip, but rather, the server deletes the clips only when the storage becomes greater than a particular percentage full (col. 8, lines 47-60). Nothing in **Sacilotto** teaches or suggests that the reference data contains processing instructions, in fact **Sacilotto** teaches a reference count that is similar to a counter and only references the parsed media segments but does not contain any

processing instructions or data directly corresponding to the parsed multimedia composition.

Applicant submits that there is no motivation to combine **Abe** and **Sacilotto**. **Abe** teaches a system and method for video editing and the objective is to remove an unwanted clip from a sequence of video utilizing a mark-in and mark-out feature for editing without the intention to permanently deleting the discarded clip segment permanently from storage. **Sacilotto** teaches a system using a reference count corresponding to the information intended to be deleted permanently. Further, **Sacilotto's** reference count is not relied upon as the sole factor in determining when the information is to be deleted, rather, whether the clips are to be deleted permanently is also depended upon the available storage capacity (col. 8, lines 39-60). In contrast, applicant's invention of claim 8 contains process instruction data in the references. As such, applicant submits that there is no motivation for a combination of **Abe** and **Sacilotto**.

Even if **Abe** and **Sacilotto** were somehow combined, the combination would not result in the limitations of amended independent claim 8 containing "reference data containing processing instructions" and "deleting the portion from the storage". A combination will result in a video editing system of **Abe** whereby the clips are parsed in multimedia segments per instructed in **Sacilotto** and that deletion of the multimedia segments are controlled by the available storage capacity of the storage system.

Claims 11, 13, and 16 either directly or indirectly depends on independent claim 8 and thus includes the emphasized limitations "reference data containing processing information" and "deleting the portion from the storage." As such, applicant respectfully submits that a rejection of claims 8, 11, 13, and 15 under 35 U.S.C. 103(a) is inappropriate and requests withdrawal of the rejection of the claims.

Claims 9, 10, and 15 have been rejected under 35 U.S.C. 103(a) as being unpatentable over **Abe**, in view of **Sacilotto**, and further in view of **Gamon**. As described above, the teachings of **Abe** in view of **Sacilotto** fails to suggest a combination with each other and is therefore inappropriate as a basis for the rejection of the amended independent claim 8. **Gamon** is described above and also considered to be a nonobvious combination with **Abe** in light of the differences in the objectives of the references. Claims 9, 10, and 15 either directly or indirectly depend on amended independent claim 8. As such, applicant respectfully submits that the rejection of claims 9, 10, and 15 is inappropriate under 35 U.S.C. 103(a) and requests the withdrawal of the rejection of the claims.

Claim 12 has been rejected under 35 U.S.C. 103(a) as being unpatentable over **Abe** in view of **Sacilotto** and further in view of **Gamon**. As discussed above, the combination of teachings of **Abe**, **Sacilotto**, and **Gamon** either fails to suggest a combination or is considered non-obvious. Claim 12 indirectly depends on claim 8 and therefore includes the limitations "reference data containing processing information" and "deleting the portion from the storage". As such, applicant respectfully submits that the rejection of claim 12 is inappropriate under 35 U.S.C. 103(a) and requests the withdrawal of the rejection of the claim.

Claim 14 has been rejected under 35 U.S.C. 103(a) as being unpatentable over **Abe** in view of **Sacilotto** and further in view of **Chao**. As described above, the teachings of **Abe** in view of **Sacilotto** fails to suggest a combination with each other and is therefore inappropriate as a basis for the rejection of the amended independent claim 8. Nothing in **Chao** teaches the limitation where the edited segment is deleted from the storage and the combination of **Abe** and **Chao** fails to suggest the limitation "deleting the portion from the storage". Claim 14 indirectly depends on claim 8 and therefore includes

the limitations "reference data containing processing information" and "deleting the portion from the storage". As such, applicant respectfully submits that the rejection of claim 14 is inappropriate under 35 U.S.C. 103(a) and requests the withdrawal of the rejection of the claim.

In conclusion, applicant respectfully submits that in view of the amendments and arguments set forth herein, the applicable rejections have been overcome. If the allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact the undersigned at (408) 720-8300. If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 3/17, 2005



James C. Scheller, Jr.
Attorney for Applicant
Registration No. 31,195

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1030
(408) 720-8300

Serial No.: 09/679,721
Filing Date: 10/04/2000

17/17

Attorney Docket No.: 004860.P2472
Resp. to OA Dated 12/17/2004